

No. _____
In the
Texas Court of Criminal Appeals
At Austin
—◆—

FILED
COURT OF CRIMINAL APPEALS
7/3/2020
DEANA WILLIAMSON, CLERK

No. 01-18-00897-CR
In the Court of Appeals for the
First District of Texas
At Houston
—◆—

No. 1532340
In the 178th District Court
Of Harris County, Texas
—◆—

JAMAILE JOHNSON
Appellant
V.
THE STATE OF TEXAS
Appellee
—◆—

STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE
PETITION FOR DISCRETIONARY REVIEW
—◆—

TO THE HONORABLE COURT OF CRIMINAL APPEALS:

THE STATE OF TEXAS, pursuant to TEX. R. APP. P. 10.1, 10.5(b) and 68.2(c), moves for an extension of time within which to file a Petition for Discretionary Review. In support of its motion, the State submits the following:

1. Appellant was convicted of theft and sentenced to 11 years in the Texas Department of Criminal Justice, Institutional Division. (CR – 96-97)

2. On May 28, 2020, a panel of the First Court of Appeals issued a majority opinion that reversed the trial court's judgment and remanded the case for a new trial. On the same date, a concurring opinion and a dissenting opinion were also issued.
3. No motion for rehearing has been filed.
4. The State's Petition for Discretionary Review is due on June 29, 2020.
5. The State seeks a thirty-day extension to file its Petition for Discretionary Review.
6. The following facts are relied upon to show good cause for the requested extension:
 - i. This is the State's first request for an extension.
 - ii. The undersigned attorney has been responsible for the following projects since the appellate court's opinion was issued in this case:
 - a. In the Matter of D.T.
No. 14-20-00081-CV
State's response to appellate court's order regarding potential dismissal for lack of jurisdiction submitted:
June 8, 2020
*this is an accelerated appeal
 - b. Ex parte Medgar Duckens
Trial Court Cause No. 1357094
State's response to defendant's pretrial application for writ of habeas corpus completed: June 15, 2020
*this writ involves a First Amendment challenge to a Texas statute

- c. Ex parte Lyla Ordonez
No. 14-19-01005-CR
State brief due: June 30, 2020
*this appeal involves a First Amendment challenge to
a Texas statute
- d. In the Matter of I.O.
No. 01-19-00865-CV
State brief due: June 30, 2020

iii. Due to the coronavirus pandemic, the undersigned attorney is now the only caregiver to her two very young children while the undersigned attorney's spouse continues his necessary work as an emergency medicine physician.

7. This motion for extension is not made for purposes of delay, but that the issues in this case can be addressed completely and properly in briefing to this Court.

WHEREFORE, the State prays that this Court will grant a thirty-day extension of time, from the due date of June 29, 2020, for the undersigned attorney to complete and file the State's Petition for Discretionary Review.

Respectfully submitted,

/s/ Patricia McLean

PATRICIA MCLEAN

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument will be sent by e-filing to:

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Date: June 26, 2020

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Associated Case Party: State of Texas

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Stacey Soule	24031632	information@spa.texas.gov	6/26/2020 2:38:28 PM	SENT

Associated Case Party: Jamaile Johnson

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Windi Pastorini		winlaw@swbell.net	6/26/2020 2:38:28 PM	SENT